

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ONE 2004 INFINITI FX35,
CA LICENSE NO. ILUVZU2,
VIN JNRAS08U14X109358,
ITS TOOLS AND APPURTENANCES,
ASSORTED SILVER BARS AND COINS,
\$8,606.00 IN U.S. CURRENCY,
\$1,500.00 IN U.S. CURRENCY,
Defendants.

Case No. 14cv0091-BTM(KSC)

JUDGMENT
OF FORFEITURE

Having reviewed the foregoing Joint Motion and good cause appearing therefor,
IT IS HEREBY ORDERED, ADJUDGED and DECREED:

The Joint Motion is approved.

1. The parties entered into the joint motion in order to resolve the matter of the seizure and forfeiture of the above-referenced defendants, One 2004 Infiniti FX35, CA License No. ILUVZU2, VIN JNRAS08U14X109358, Its Tools and Appurtenances; Assorted Silver Bars and Coins; and \$8,606.00 and \$1,500.00 in U.S. Currency. The parties have agreed to a settlement which is hereinafter described in its particulars.

2004 Infiniti FX35

2. The claimant, Kyle Gillen, shall pay \$4,100.00 in U.S. currency by cashier's check made payable to the U.S. Marshals Service. Upon payment of the \$4,100.00 cashier's check, the United States agrees to return the defendant vehicle to the claimant, Kyle Gillen, either directly or to a representative so designated on the letterhead of the claimant's attorney. The seizure and storage costs shall be paid from the \$4,100.00 cashier's check. Any seizure and storage costs that exceed \$4,100.00 will be the

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responsibility of the United States. The balance of the funds, if any, shall be condemned and forfeited to the United States pursuant to Title 21, United States Code, Section 881.

Assorted Silver Bars and Coins

3. All of the assorted silver bars and coins shall be returned to the claimant, Kyle Gillen, either directly or to a representative so designated on the letterhead of the claimant's attorney.

\$8,606.00 in U.S. Currency

4. \$1,700.00 of the defendant currency, less any debt owed to the United States, any agency of the United States, or any other debt in which the United States is authorized to collect, shall be returned to the claimant, Kyle Gillen, either directly or through his attorney of record, Michael E. Cindrich. \$6,906.00 in U.S. currency shall be forfeited and condemned to the United States pursuant to Title 21, United States Code, Section 881.

\$1,500.00 in U.S. Currency

5. All of the defendant currency, \$1,500.00 in U.S. currency, shall be forfeited and condemned to the United States pursuant to Title 21, United States Code, Section 881. None of the defendant currency shall be returned to the claimant.

6. The terms of this settlement do not affect the tax obligations, fines, penalties, or any other monetary obligations that the claimant may owe to the United States.

7. The person or persons who made the seizure or the prosecutor shall not be liable to suit or judgment on account of such seizure in accordance with Title 28, United States Code, Section 2465. Claimant agrees that by entering into the joint motion, that he did not "substantially prevail" within the meaning of Title 28, United States Code, Section 2465. All parties shall bear their own costs and expenses, including attorney fees. Judgment shall be entered in favor of the United States on its complaint.


8. Claimant warrants and represents as a material fact that he is the sole owner of the defendant vehicle, property, and currency, and further warrants that no other person or entity has any right, claim or interest in the defendants, and that he will

1 indemnify the United States against any and all claims made against it on account of the
2 seizure and forfeiture of the defendants.

3 9. The claimant, his agents, employees, or assigns, shall hold and save
4 harmless the United States of America, its agents and employees, from any and all claims
5 which might result from the seizure of the defendants.

6 This case is hereby ordered closed. Let judgment be entered accordingly.

7 Dated: May 15, 2015

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9 Barry Ted Moskowitz, Chief Judge
10 United States District Court
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